

REMARKS

The applicants have carefully reviewed the official action and the references it cites. In the official action, claims 1-6 were rejected as unpatentable over Bauer et al. in view of one or more of Ng et al. and Gerszberg et al., claims 13-20 were rejected as unpatentable over Lin in view of one or more of Bauer et al., Gerzberg et al. and Ng et al., and claim 21 was allowed.

By way of the foregoing amendments, claims 1-6, 13-15, 17, 18, and 21 have been amended and, thus, claims 1-6 and 13-21 remain pending in this application. Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

As an initial matter, the applicants note that this application is now associated with a new attorney docket number and respectfully request that this new docket number be used on subsequent correspondence from the Office. Additionally, the applicants respectfully request entry of the foregoing amendments to put this application in better condition for an appeal in the event that the examiner elects to maintain his rejections.

Turning to the art rejections, independent claim 1 recites a method of operating a home gateway system. The examiner asserts that the switching system described by Bauer et al. provides the same function as a home gateway system, is associated with a subscriber and, as a result, is a “home gateway system regardless of its physical location.” [Official action p. 8]

In effect, the examiner has elected to eliminate or ignore the term “home” everywhere it appears in claim 1. The examiner’s position appears to be based on his belief that the word “home” can be separated from “gateway” and, thus, the word “home” is merely a recitation of a location. However, the term “home gateway” is a well-known term of art that connotes a

type of apparatus that has been adapted for use in a home or residence, not merely a gateway of any kind that has been located in a home or residence. In particular, it is well known that a home gateway is configured to enable communications with a variety of different devices that are typically used within a residential environment so that those devices can communicate with each other and/or via communication networks outside of the residential environment. The applicants have attached hereto a document generally describing residential or home gateways and distinguishing between gateways generally and residential or home gateways.

Under the examiner's line of reasoning, there would be no difference between the recitations "car door" and "barn door" because both recitations involve doors (both of which function to provide access to a space) located in different places. Such a result is clearly wrong because it is generally well understood that the recitations "car door" and "barn door" refer to different types of doors. Similarly, in this case, the examiner has improperly interpreted the term "home gateway" by ignoring the word "home" on the basis that it is merely a recitation of a location, a position that is at odds with the manner in which one of ordinary skill in the art would interpret the term "home gateway."

The examiner's unreasonably broad interpretation of "home gateway" is even more evident upon examination of the portions of the system described by Bauer et al. that the examiner asserts constitute a home gateway as recited in claim 1. Specifically, the examiner appears to assert that, for example, the switching system 21, which is described as a local exchange carrier, constitutes a home gateway system. To the contrary, as is well known in the art and as described by Bauer et al., a local exchange carrier is remotely located from a plurality of residences or homes, each of which is communicatively coupled to the local exchange carrier. The applicants have attached hereto for the examiner's reference a document providing a description of the term "local exchange carrier." As is well known and

as evidenced in the attached document, a local exchange carrier is not used within a home or residence in the manner that a home gateway is used and, as a result, one of ordinary skill in the art would not consider a local exchange carrier to be a home gateway of any kind.

Thus, the applicants respectfully submit that Bauer et al. do not describe a home gateway of any kind. Further, Ng et al. also fail to describe a home gateway as recited in claim 1. Accordingly, because neither Bauer et al. nor Ng et al. describe a home gateway as recited in claim 1, no combination of these references can render claim 1 obvious. For at least the foregoing reasons, the applicants respectfully submit that claim 1 and claims 2-6 dependent thereon are in condition for allowance.

Independent claim 13 also recites a home gateway system and is believed to be allowable for at least the reasons set forth above in connection with claim 1. Accordingly, the applicants respectfully submit that claim 13 and claims 14-20 dependent thereon are in condition for allowance.

Accordingly, for at least the foregoing reasons, the applicant respectfully submits that all of the claims pending in the instant application are now in condition for allowance.

Reconsideration is respectfully requested.

If there are any remaining issues in this application, the examiner is requested to
contact the undersigned at the telephone number below.

Respectfully submitted,

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